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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF
HUMAN RIGHTS INSTRUMENTS

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the fifth meeting of persons chairing the human rights treaty bodies, convened pursuant to General Assembly resolution 48/120 of 20 December 1993.

ANNEX

Report of the fifth meeting of persons chairing the human rights treaty bodies

I. INTRODUCTION

1. Since the adoption of resolution 37/44 on 3 December 1982, the General Assembly has continuously kept under review the problems relating to the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights. Those problems have also received careful attention during the various sessions of the treaty bodies, at some of the meetings of States parties and at meetings of such other organs as the Economic and Social Council and the Commission on Human Rights.

2. Pursuant to General Assembly resolution 38/117 of 16 December 1983, the Secretary-General convened a first meeting of the persons chairing the bodies entrusted with the consideration of State party reports in August 1984. The report of that meeting was presented to the General Assembly at its thirty-ninth session (A/39/484, annex). A second meeting was convened by the Secretary-General in October 1988, pursuant to Assembly resolution 42/105 of 7 December 1987, and the report of that meeting was presented to the Assembly at its forty-fourth session (A/44/98, annex). A third meeting was convened by the Secretary-General in October 1990, pursuant to Assembly resolution 44/135 of 15 December 1989, and the report of that meeting was presented to the Assembly at its forty-fifth session (A/45/636, annex). A fourth meeting was convened by the Secretary-General in October 1992, pursuant to Assembly resolution 46/111 of 17 December 1991, and the report of that meeting was presented to the Assembly at its forty-seventh session (A/47/628, annex).

3. In its resolution 48/120 of 20 December 1993, the General Assembly endorsed the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures; requested the Secretary-General to take the appropriate steps in order to finance the biennial meetings of persons chairing the human rights treaty bodies from resources available from the regular budget of the United Nations; and decided to give priority consideration, at its forty-ninth session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights. In its resolution 1994/19 of 25 February 1994, the Commission on Human Rights urged the treaty bodies to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States and welcomed the emphasis placed by the meeting of persons chairing the human rights treaty bodies on the importance of technical assistance and advisory services.

4. The fifth meeting of persons chairing the human rights treaty bodies was convened by the Secretary-General pursuant to General Assembly resolution 48/120 and Commission on Human Rights resolution 1994/19.

II. ORGANIZATION OF THE MEETING

5. The meeting was held at the United Nations Office at Geneva from 19 to 23 September 1994. The following representatives of the human rights treaty bodies attended: Mrs. Hoda Badran (Chairperson, Committee on the Rights of the Child), Mrs. Virginia Bonoan-Dandan (Rapporteur, Committee on Economic, Social and Cultural Rights), Mrs. Ivanka Corti (Chairperson, Committee on the Elimination of Discrimination against Women), Mr. Vojin Dimitrijevic (Vice-Chairperson, Human Rights Committee), Mr. Ivan Garvalov (Chairperson, Committee on the Elimination of Racial Discrimination) and Mr. Alexis Dipanda-Mouelle (Chairperson, Committee against Torture).

6. Representatives of the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Refugees attended the meeting. Representatives of the following non-governmental organizations also attended the meeting: American Association for the Advancement of Science, Amnesty International, Anti-Racism Information Service, Baha'i International Community, Friends World Committee for Consultation (Quakers), International Service for Human Rights, International Womens' Rights Action Watch and the NGO Group for the Convention on the Rights of the Child.

7. The agenda for the meeting was as follows:

1. Opening of the meeting.

2. Election of the officers of the meeting.

3. Adoption of the agenda.

4. Organizational and other matters.

5. Review of recent developments relating to the work of the treaty bodies.

6. Improving the operation of the human rights treaty bodies.

7. Adoption of the report.

8. The following documentation was made available to the participants:

(a) Provisional agenda (HRI/MC/1994/1);

(b) Report of the Secretary-General on improving the operation of the human rights treaty bodies (HRI/MC/1994/2);

(c) Report of the Secretary-General on the status of the international instruments and the general situation of overdue reports (HRI/MC/1994/3);

(d) Informal note by the Secretariat containing a compilation of the recommendations concerning the functioning of the treaty bodies formulated by

non-governmental organizations within the framework of preparatory activities for and during the World Conference on Human Rights;

(e) Report of the fourth meeting of persons chairing the human rights treaty bodies (A/47/628);

(f) Conclusions and recommendations of the fourth meeting of persons chairing the human rights treaty bodies: report of the Secretary-General (A/48/508 and Corr.1);

(g) Financing and adequate staff resources for the operations of the human rights treaty bodies: report of the Secretary-General (A/48/560);

(h) Convention on the Elimination of All Forms of Discrimination against Women: report of the Secretary-General (A/49/308);

(i) Interim report on the updated study of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty regime (A/CONF.157/PC/62/Add.11/Rev.1);

(j) Vienna statement of the international human rights treaty bodies (A/CONF.157/TBB/4 and Add.1);

(k) Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/23);

(l) Relevant resolutions of the General Assembly: resolutions 47/111 of 16 December 1992 and 48/120 on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights; resolution 48/119 of 20 December 1993 on the international covenants on human rights; and resolution 48/141 of 20 December 1993 on the High Commissioner for the promotion and protection of all human rights;

(m) Economic and Social Council resolution 1994/7 of 21 July 1994 on the Convention on the Elimination of All Forms of Discrimination against Women;

(n) Relevant resolutions of the Commission on Human Rights, including resolutions 1993/16 of 26 February 1993 and 1994/19 on effective functioning of bodies established pursuant to United Nations human rights instruments; resolution 1994/15 of 25 February 1994 on the status of the international covenants on human rights; and resolution 1994/16 of 25 February 1994 on the succession of States in respect of international human rights treaties;

(o) Compilation of general comments and general recommendations adopted by human rights treaty bodies (HRI/GEN/1/Rev.1);

(p) Letter dated 29 August 1994 from the Assistant Secretary-General for Human Rights to the chairpersons;

(q) Letter dated 19 September 1994 from the Coordinator for the International Year for the Family to the chairpersons.

9. The meeting was opened by Mr. Ibrahima Fall, Assistant Secretary-General for Human Rights, who addressed the chairpersons. The United Nations High Commissioner for Human Rights addressed the meeting on 21 September 1994 and discussed a number of issues with the chairpersons.

10. Mr. Ivan Garvalov was elected Chairperson-Rapporteur of the meeting.

11. On 23 September 1994, the chairpersons considered the draft report of their fifth meeting. The report, as amended during the course of the meeting, was adopted unanimously by the chairpersons.

III. REVIEW OF RECENT DEVELOPMENTS RELATING TO THE WORK OF THE TREATY BODIES AND IMPROVING THE OPERATION OF THE HUMAN RIGHTS TREATY BODIES

12. Consideration of agenda items 5 and 6 began with a brief oral overview by each of the participants. Among other developments, participants noted that following the recommendation of the fourth meeting of chairpersons, a number of treaty bodies had taken steps towards elaborating early warning measures and urgent procedures with a view to preventing the occurrence, or recurrence, of serious human rights violations. In that connection, the chairpersons welcomed the establishment of the post of United Nations High Commissioner for Human Rights, whose mandate included the prevention of human rights violations around the world. The treaty bodies would be able to provide expert knowledge and advice relating to specific situations as well as detailed recommendations which could be of significant value to the High Commissioner in the discharge of his mandate.

13. Throughout their discussions, the chairpersons emphasized that the work of the treaty bodies was not only one of the fundamental pillars of the United Nations human rights programme and policy, but indeed at the core of the international human rights order. The United Nations human rights treaties were universal in nature and in application. The treaty bodies which monitored the application of the human rights treaties constituted an integrated system in which the broad spectrum of human rights - civil, cultural, economic, political and social - were dealt with as an indivisible and interdependent whole. No human rights standards were to be ignored in favour of others. The chairpersons emphasized that those standards were to guide and inform the United Nations in its diverse activities. In addition, the work of the treaty bodies constituted an invaluable guide to the application of those human rights standards in 176 of the 184 States Members of the United Nations and in 4 non-member States.

IV. CONCLUSIONS AND RECOMMENDATIONS

14. The following conclusions and recommendations are submitted to the General Assembly for its consideration in accordance with resolution 48/120. Some actions might be taken by the Assembly itself or by another appropriate organ of the United Nations, while others fall within the competence of the Secretary-General, of the respective treaty bodies or of the States parties to the treaties. However, no distinction is drawn in this regard for the purposes

of the present report, since the mandate of the meeting is to propose diverse means to improve the functioning of the treaty supervisory system within the overall framework of the United Nations.

Priority objective of the United Nations

15. The chairpersons emphasize that the promotion and protection of all human rights and fundamental freedoms must be considered a priority objective of the United Nations, as stated in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights. They pledge their full support and cooperation to realize that objective. At the same time, they believe that this commitment should be accompanied by important budgetary reallocations in favour of United Nations activities related to human rights, including the servicing of the treaty bodies.

Achieving universal acceptance of the human rights treaties

16. The chairpersons note with satisfaction that 176 of the 184 States Members of the United Nations and 4 non-member States are now parties to one or more of the six principal human rights instruments monitored by the treaty bodies. Concern is expressed, however, that no instrument has yet achieved universal ratification. With this in mind, the chairpersons welcome the recent initiative taken by the Secretary-General personally to address a communication to all heads of State urging that their Governments ratify, accede or succeed to those principal human rights treaties to which they are not yet a party. The chairpersons also welcome indications by the High Commissioner for Human Rights that he intends to follow up with a similar initiative in the near future. The chairpersons consider it of the utmost importance that the issue of ratification be brought regularly to the attention of non-States parties whenever possible in contacts between Governments and senior officials of the United Nations. They, however, reiterate their position that adherence by States to international human rights instruments is not sufficient unless it is accompanied by full compliance with their provisions, including those relating to reporting obligations.

Overdue and non-submitted reports

17. The chairpersons reiterate the views expressed in their Vienna statement that full and effective compliance with international treaty obligations is an essential component of an international order based on the rule of law. Failure to comply, including a failure to report as required, constitutes a violation of international law. They urge the States parties to the human rights treaties to deal with this matter at their regular meetings. These meetings should not only be devoted to elections of members of treaty bodies, but should consider general problems relating to the implementation of the treaties. They also urge States parties whose reports are overdue to request the assistance of the advisory services programme of the Centre for Human Rights to fulfil their reporting obligations.

18. The chairpersons also reiterate the recommendation made at their fourth meeting that each treaty body should follow, as a last resort, the practice

already adopted by some committees of considering the situation in States parties whose reports are long overdue, in the absence of a report.

More effective integration of human rights into the totality of United Nations activities

19. The chairpersons emphasize that all human rights contained in the international human rights instruments apply fully to women and that the equal enjoyment of those rights should be closely monitored by each treaty body within the competence of its mandate. A common strategy should be developed by the treaty bodies in that regard and discussed at the meeting of chairpersons.

20. The chairpersons note with concern that reports submitted by States parties often do not contain adequate information on the actual enjoyment by women of their human rights, nor has such information been forthcoming from other sources. In this regard, the chairpersons recommend that each treaty body consider amending, where appropriate, its guidelines for the preparation of State party reports to request information, including disaggregated statistical data, from States parties on the situation of women under the terms of each instrument. The chairpersons express the wish for similar information from non-governmental organizations, intergovernmental organizations, specialized agencies and from United Nations offices.

21. Furthermore, the chairpersons deplore a growing tendency in the United Nations on the part of bodies concerned with some aspects of human rights in their activities steadfastly to ignore the standards codified in the international human rights treaties and, in some cases, to attempt to redefine those standards by adopting a different vocabulary, assigning different priorities and creating additional monitoring mechanisms. This tendency has been most recently manifested in the preparatory process for the World Summit for Social Development, which has not reflected the relevant standards contained in the International Covenant on Economic, Social and Cultural Rights and in the Convention on the Elimination of All Forms of Discrimination Against Women.

22. The chairpersons draw the attention of the High Commissioner for Human Rights to this and similar problems and request that they be addressed within his mandate to coordinate human rights promotion and protection activities throughout the United Nations system. In that connection, the chairpersons also welcome the recommendation, contained in the Vienna Declaration and Programme of Action (sect. II, para. 7), that human rights training for international civil servants who are assigned to work relating to human rights should be organized. The chairpersons affirm that human rights should have a high profile in all relevant United Nations activities and, inter alia, must be clearly identified with, and understood in the context of, the United Nations human rights instruments and the work of the treaty monitoring bodies.

23. The chairpersons emphasize the importance of more effective cooperation at all levels with the specialized agencies, other organizations of the United Nations system and United Nations bodies. In this connection, the chairpersons welcome the participation of the High Commissioner for Human Rights in the April 1994 session of the Administrative Committee on Coordination (ACC) and the addition, for the first time, of human rights to the agenda of that body. The

chairpersons express the hope that a human rights focus in ACC will continue in the future.

Education in the field of human rights

24. The chairpersons recommend that treaty bodies include the issue of education in the field of human rights among their priority activities. They should, in particular, encourage States parties to include human rights teaching and education in school curricula, in the light of the essential role they play in the promotion of human rights. Efforts in this respect should be intensified in view of the proposed decade for human rights education.

25. States parties are also urged to encourage and support the media in the production of imaginative programmes on human rights which are accessible to the wider public and adapted to the local cultural environment.

Prevention of human rights violations, including early warning and urgent procedures

26. The chairpersons welcome the initiative taken by a number of treaty bodies to develop, within the scope of their respective mandates, procedures aimed at preventing human rights violations. Further efforts in this regard are warmly encouraged. Such procedures should include early warning aimed at preventing existing problems from escalating into conflicts and urgent procedures aimed at responding to problems requiring immediate attention to prevent or limit the scale and number of violations. Consideration should be given to developing a systematic and consistent approach to identifying problem areas and developing a range of possible courses of action which might be taken.

27. The chairpersons reiterate the recommendation made at their fourth meeting that the Security Council should be encouraged to take full account, in its deliberations and in its decisions and resolutions, of the obligations of the States concerned pursuant to the principal human rights treaties. The chairpersons urge the treaty bodies to take all appropriate measures in response to situations of massive violations of human rights, including the possibility of bringing those violations to the attention of the High Commissioner for Human Rights as well as the Secretary-General and the competent organs and bodies of the United Nations, including the Security Council. The chairpersons believe that it would be most effective if more than one treaty body were to take concerted action in this regard.

28. The chairpersons also recommend that increased attention be given by the Security Council to violations of human rights, which are a first indication of national and international instabilities and a threat to peace. To this end, early warning measures adopted by treaty bodies and information provided by them on human rights violations should be taken into consideration by the Council in deciding on a course of action.

29. The chairpersons suggest a meeting in 1995 with the Secretary-General to discuss the role of the treaty bodies in bringing urgent matters relating to human rights violations to his attention and, through him, to the Security Council.

Reservations

30. The chairpersons believe that treaty bodies should be insistent in seeking explanations from States parties regarding the reasons for making and maintaining reservations to the relevant human rights treaties. They recommend that treaty bodies state clearly that certain reservations to international human rights instruments are contrary to the object and purpose of those instruments and consequently incompatible with treaty law. Treaty bodies should also bring this to the attention of the States parties to the relevant treaties.

Successions

31. The chairpersons note with concern that a number of successor States to former States parties to the human rights treaties have not yet formally confirmed to the Secretary-General their succession to the human rights treaties. The chairpersons urge all successor States, if they have not already done so, to confirm as soon as possible their succession to those treaties. The chairpersons welcome the initiatives taken by some of the treaty bodies to bring this matter of urgency to the attention of successor States. Similar initiatives by other treaty bodies are warmly encouraged.

32. The chairpersons are, however, of the view that successor States are automatically bound by obligations under international human rights instruments from their respective date of independence and that the respect of their obligations should not depend on a declaration of confirmation made by the new Government of the successor State.

New instruments

33. The chairpersons welcome the elaboration by United Nations bodies of optional protocols to international human rights instruments. They encourage, in particular, the elaboration of provisions which have a preventive character as well as provisions relating to recourse or inquiry procedures.

Multiple reporting requirements

34. The chairpersons support the recommendation made by the World Conference on Human Rights that the treaty monitoring bodies should include the status of women and the human rights of women in their deliberations and findings, making use of gender-specific data, and that States parties should be encouraged to supply information on the situation of women, de jure and de facto, in their reports to treaty monitoring bodies. States parties should also be encouraged to supply information on the situation of children.

Reducing the burden of reporting

35. With reference to the question of reducing the reporting burden of States, the chairpersons took note of the suggestions made by the independent expert, Mr. Philip Alston, in his interim report on the updated study on enhancing the long-term effectiveness of the United Nations human rights treaty regime.

Reducing delays in the consideration of reports

36. The chairpersons note that an increasing backlog of State party reports pending consideration is becoming a serious problem for a number of treaty bodies and invites those treaty bodies to give due consideration to ways of reducing that backlog.

Cooperation with the specialized agencies and other United Nations bodies

37. The chairpersons welcome the contribution to the work of the treaty bodies made by the specialized agencies and other United Nations bodies. The chairpersons express the hope that such cooperation will continue and increase in the future, particularly with a view to ensuring consistency in the application of related provisions of the human rights treaties and other international instruments. The chairpersons recommend that representatives of the specialized agencies and other organizations within the United Nations system be invited to their future meetings.

38. The chairpersons encourage each human rights treaty body to review its practices concerning the participation of representatives from the specialized agencies and other United Nations bodies so as to enhance that participation and the exchange of pertinent information. To that end, the treaty bodies may wish to consider issuing information obtained from the specialized agencies as documents or working papers, referring, where appropriate, to the work of other monitoring bodies (such as the ILO Committee of Experts) and drawing the attention of the reporting State, where appropriate, to the availability of technical assistance from the specialized agencies.

39. In order to give greater prominence to human rights in the work of the organs, organizations and bodies of the United Nations system, the chairpersons suggest that those agencies consider inviting one or more representatives of the human rights treaty bodies to address their general conferences on pertinent trends and developments. Alternatively, meetings with representatives of treaty bodies could be organized by specialized agencies and United Nations organs when treaty bodies are in session.

40. The chairpersons also suggest that the specialized agencies and other organizations of the United Nations system supply the treaty bodies annually with information relevant to human rights issues, such as the situation of refugees, human rights of women, the right to strike, poverty, etc., that those agencies and organizations would like to be considered by treaty bodies.

Enhancing the role of non-governmental organizations

41. The chairpersons recommend that each treaty body examine the possibility of changing its working methods or amending its rules of procedure to allow non-governmental organizations to participate more fully in its activities. Non-governmental organizations could be allowed, in particular, to make oral interventions and to transmit information relevant to the monitoring of human rights provisions through formally established and well-structured procedures. In order to facilitate the participation of non-governmental organizations, the chairpersons recommend that information about States parties' reporting,

including scheduling and document numbers of the reports, be made available at a single point in the Centre for Human Rights. Similarly, advance information on the topics of proposed general comments should be made available to encourage non-governmental organizations to provide input to the drafts and to promote further discussion. Attention should be given by treaty bodies and non-governmental organizations to securing a stronger, more effective and coordinated participation of national non-governmental organizations in the consideration of States parties' reports.

42. The chairpersons welcome the contribution made at their fifth meeting by non-governmental organizations and recommend that at future meetings representatives of non-governmental organizations again be invited to address the chairpersons and to submit appropriate recommendations for consideration by the meeting.

Public information activities

43. The chairpersons are of the view that concluding observations and comments that treaty bodies adopt at the end of their consideration of States parties reports should be given more publicity, especially at the national level. To this end, the texts should be transmitted to the appropriate United Nations information centre and made available to the public. In addition, local non-governmental organizations should be encouraged and, if possible, financially supported to translate the concluding observations on the State party where they operate or other basic decisions of treaty bodies into local languages.

44. Each treaty body should urge States parties to translate, publish and make available to the media the full text of the concluding observations on their reports. The Department of Public Information of the Secretariat should, at the end of each year, publish as a separate volume a compilation of all concluding observations adopted during that year by treaty bodies.

Adequate Secretariat resources for servicing the treaty bodies

45. The chairpersons strongly support the recommendation made by the World Conference on Human Rights that sufficient human, financial and other resources should be provided to the Centre for Human Rights to enable it to carry out its activities effectively, efficiently and expeditiously. The chairpersons reiterate the view expressed in their Vienna statement that for the treaty supervisory system to function efficiently and effectively the number of relevant Professional staff should be tripled.

46. Attention was also drawn by the chairpersons to the question of a committee resource room within the Centre for Human Rights. This measure had been recommended by the chairpersons at their second, third and fourth meetings and had been endorsed on a number of occasions by various treaty bodies. In view of the fact that six years had passed since the need for the facility was first identified, the chairpersons urge the High Commissioner for Human Rights to take action on the matter.

Financing of the treaty bodies

47. The chairpersons welcome the endorsement by the General Assembly of the amendments to the funding provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which occurred since their last meeting, and request that the necessary measures be taken to ensure that the two committees meet as scheduled until the amendments enter in force. The chairpersons note that individual States parties should act as rapidly as possible to notify the Secretary-General of their acceptance of the amendments.

48. In addition, the chairpersons strongly recommend that the regular budget of the United Nations providing for the functioning of the treaty bodies include a fund specifically devoted to the activities of their members relating to emergency situations, as well as to information, coordination and human rights training, which are often requested by United Nations organs and specialized agencies.

Providing adequate resources for the effective functioning of the Committee on the Elimination of Discrimination against Women

49. The chairpersons note with serious concern that the ability of the Committee on the Elimination of Discrimination against Women (CEDAW) to discharge its duties effectively under the Convention on the Elimination of All Forms of Discrimination against Women continues to be severely constrained by the lack of sufficient meeting time to examine State party reports. Owing to the resulting large backlog of reports pending consideration, State party reports may not be examined until three years after their submission, a situation which the chairpersons consider wholly unacceptable. The chairpersons strongly recommend that this deplorable situation be addressed by the addition of significantly increased meeting time until the backlog of pending reports has been eliminated. They also strongly recommend that consideration be given to the suggestion of CEDAW that the Convention be amended as necessary.

50. In addition, the chairpersons are seriously concerned at the lack of resources, including adequate Secretariat support, which continues to affect the activities of CEDAW. The chairpersons are strongly of the view that CEDAW should no longer be separated from the mainstream of the other human rights activities and that it should be based, like all the other human rights treaty bodies, at the United Nations Office at Geneva. In this connection, the chairpersons strongly reiterate the recommendation contained in the reports of their third and fourth sessions to the effect that the servicing of CEDAW by the Secretariat should be provided from the Centre for Human Rights at Geneva. They also note the difficulties encountered by CEDAW in exchanging information with other treaty bodies due to its location at Headquarters, while all the other treaty bodies are based at the United Nations Office at Geneva. It is essential that a unified approach to servicing be put in place in order that CEDAW may have access to the same services and facilities as the other committees and in order to achieve the full and effective integration of CEDAW into the overall human rights treaty regime.

51. The chairpersons recommend that, at its next session in January 1995, CEDAW give consideration to the proposed relocation of its sessions and its secretariat and take a decision on this matter.

Computerizing the work of the treaty bodies

52. The chairpersons take note of the repeated efforts made by the Centre for Human Rights to secure adequate resources for automation and urge that further and immediate action be taken to secure the required resources for the long overdue computerization of the entire Centre for Human Rights, in particular the work of the treaty bodies, both through the regular budget of the United Nations and by means of voluntary contributions. Immediate measures should also be taken, on the basis of the funds already available, to begin implementation of some of the recommendations of the task force on computerization of the work of the treaty bodies. 1/ The chairpersons are of the view that delay in the computerization of the work of treaty bodies would seriously affect their effectiveness.

53. The chairpersons deplore the fact that the recommendations contained in the report of the task force still have not been implemented despite the repeated strong support expressed for computerization of the work of the treaty bodies each year in the resolutions of the Commission on Human Rights and the General Assembly.

54. The chairpersons note with interest the proposal by the American Association for the Advancement of Science (AAAS), a non-governmental organization with consultative status in the Economic and Social Council, to provide logistical and other support to the treaty bodies in relation to the development of an electronic database. In view of the desirability of obtaining contributions towards the overall goals of the Centre for Human Rights in this area from as many sources as possible, they express the hope that the proposal would succeed in gaining funding from a private foundation or other comparable source.

55. The chairpersons note, however, that the AAAS project cannot be seen as a substitute for, and must in any event not delay in any way, the Centre's own programme to provide full electronic access to the documentation sources required by the treaty bodies, the States parties, non-governmental organizations and other users. Given the long delays that have already occurred since the task force of the Commission on Human Rights reported in late 1989, the chairpersons also request that immediate steps be taken to ensure that as much of the treaty body documentation as possible is made available immediately, particularly on Internet. For this purpose, consideration should be given to the possibility of working through Togethernet to ensure accessibility of the documentation as soon as possible.

56. Noting that some specialized agencies, academic and other institutions have already produced or are in the process of producing relevant databases, the chairpersons recommend that those efforts be coordinated so that the databases may be used without delay in the work of the treaty bodies.

Manual on Human Rights Reporting

57. Owing to the need to include a new chapter relating to the Convention on the Rights of the Child and the operations of the Committee on the Rights of the Child, as well as to reflect the numerous procedural and other changes that have been adopted by the various committees since its publication, the chairpersons recommend that the Manual on Human Rights Reporting (HRI/PUB/91/1) be revised prior to its issuance in loose-leaf format.

Facilitating greater coordination and interaction among the treaty bodies

58. The chairpersons note that it is imperative for the effective functioning of the treaty bodies that steps be taken to facilitate greater coordination and interaction among them. To this end, the chairpersons recommend that a meeting of chairpersons be scheduled in 1995 in order to identify common obstacles to the implementation of the human rights treaties and to develop strategies aimed at achieving progress in their application. The meeting would also serve as an opportunity to exchange views on elaborating guidelines on specific topics of common concern. At the 1995 meeting, that topic will be ways to monitor more effectively the human rights of women. In preparation for that meeting, the chairpersons invite each treaty body to consider, within the competence of its mandate, how the monitoring of the human rights of women may be enhanced.

Periodicity of the meetings of chairpersons

59. In the light of the numerous issues of common interest and concern to all treaty bodies which need to be discussed and coordinated more frequently than is done at present, the chairpersons strongly recommend that henceforth their meetings be held annually instead of biennially.

60. In the future, a conference of all treaty bodies could be envisaged to discuss issues of common interest and common problems.

Notes

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Internally displaced persons

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report prepared by the representative of the Secretary-General on internally displaced persons, Mr. Francis Deng (Sudan), in accordance with Commission on Human Rights resolutions 1993/95 of 11 March 1993 and 1994/68 of 9 March 1994 and Economic and Social Council decision 1993/285 of 28 July 1993.

ANNEX

REPORT ON INTERNALLY DISPLACED PERSONS PREPARED BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL, MR. FRANCIS DENG, IN ACCORDANCE WITH PARAGRAPH 9 OF COMMISSION ON HUMAN RIGHTS RESOLUTIONS 1993/95 OF 11 MARCH 1993 AND 1994/68 OF 9 MARCH 1994 AND ECONOMIC AND SOCIAL COUNCIL DECISION 1993/285 OF 28 JULY 1993

I. BACKGROUND

1. The representative of the Secretary-General on internally displaced persons, Mr. Francis Deng (Sudan), appointed by the Secretary-General at the request of the Commission on Human Rights in July 1992 to study the human rights issues related to internally displaced persons, was requested by Commission on Human Rights resolutions 1993/95 and 1994/68 to submit annual reports both to the General Assembly and to the Commission. Accordingly, the representative submitted his first report to the General Assembly at its forty-eighth session on 9 November 1993 (A/48/579), as well as a report to the Commission on Human Rights at its fiftieth session (E/CN.4/1994/44). These two reports outlined the process leading to his appointment, the activities in which he had engaged since then, and those he planned to carry out over the next phase of his mandate. The present report updates the information contained therein, describes the activities of the representative in the past 12 months and outlines his plans for the near future.

2. Following the submission of his comprehensive study (E/CN.4/1993/35) to the Commission on Human Rights in 1993, the mandate of the representative of the Secretary-General was extended by Commission on Human Rights resolution 1993/95 for a period of two years. Given the constraints under which he has had to operate, with the very limited human and financial resources available to him, his activities have so far focused on continuing to raise the level of consciousness about the crisis of internal displacement, sharpen understanding of the issues involved, maintain close consultation with the specialized circles within the United Nations system and the international community and undertake field missions to countries with a serious problem of internal displacement in order to see the conditions on the ground and explore more effective ways of addressing the crisis. These activities are described below.

3. In its resolution 48/135 the General Assembly encouraged the representative, through dialogue with Governments, to continue his review of the need for international protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms, and invited him to present suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing effective protection and assistance to internally displaced persons. The Assembly also called upon all Governments to continue to facilitate the activities of the representative, encouraged them to give serious consideration to inviting him to visit their countries and thanked those Governments that had already done so. It further urged all United Nations agencies and organizations concerned to provide all possible assistance and support to the representative in the implementation of his programme of activities.

4. The Commission on Human Rights, in its resolution 1994/68, welcomed the efforts of the representative to continue raising the level of consciousness about the plight of internally displaced persons and encouraged him, through dialogue with Governments and all intergovernmental and non-governmental organizations (NGOs) concerned, to continue his review of the needs for protection of and assistance to internally displaced persons, including his compilation and analysis of existing rules and norms, the root causes of internal displacement, prevention and long-term solutions, taking into account specific situations. It also encouraged him to continue to pay specific attention to the protection and assistance needs of women and children. The Commission further invited the representative to make suggestions and recommendations with regard to ways and means of providing adequate and effective protection and assistance to internally displaced persons. It specifically called upon him to propose ways and means of setting up a more coherent system of data collection on issues related to the situation and protection of internally displaced persons.

5. The Commission also called upon the Department of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees (UNHCR), all regional intergovernmental organizations, the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM) and NGOs to continue to cooperate with the representative and assist him in fulfilling his mandate. The Commission, furthermore, called upon Governments to continue to facilitate the activities of the representative, encouraged them to give serious consideration to inviting him to visit their countries and called upon them to give due consideration, in dialogue with the representative, to the recommendations and suggestions made to them by the representative for improving protection and assistance to internally displaced persons. Finally, the Commission encouraged the representative to seek the contribution of local, national and regional academic and research institutions in his review of the needs of internally displaced persons.

II. ELEMENTS OF THE MANDATE AND PROGRAMME OF ACTIVITIES

6. The main elements of the mandate as contained in the resolutions of the Commission on Human Rights and the General Assembly comprise on-site visits to affected countries, dialogue with Governments, an appraisal of existing legal standards and to what extent they provide adequate protection and an assessment of the institutional arrangements of the international community in general and the United Nations system in particular to determine the degree to which they cater for the needs of internally displaced persons. The ultimate objective is the formulation of a strategy for the effective protection of internally displaced persons. These elements are analysed in the representative's report to the fiftieth session of the Commission on Human Rights (E/CN.4/1994/44) and have defined his activities, as described below.

A. Country profiles

7. In complying with the above-mentioned resolutions, the representative undertook three country missions over the past 12 months, while maintaining contact with a number of other Governments with a view to scheduling future missions. During the first phase of the mandate he visited, in that order, the territory of the former Yugoslavia, the Russian Federation, Somalia, the Sudan and El Salvador. In November 1993, following the renewal of his mandate, he visited Sri Lanka and presented his mission report (country profile) to the Commission on Human Rights at its fiftieth session (E/CN.4/1994/44/Add.1). He was planning to visit Burundi and Rwanda in April 1994, but the events of April 1994 and their tragic consequences, especially for Rwanda, meant that the objectives of the mission could not be pursued under those conditions. He therefore had to postpone the mission. In June and September 1994 he visited Colombia and Burundi respectively; the mission reports will be issued as addenda to his next report to the Commission.

8. The objectives of country missions are (a) to prepare a set of country profiles based on field visits and other sources of information, which will provide a pool of information on the various dimensions of internal displacement; (b) to acquire insights from them that may be useful in deepening understanding of the generic problems of internal displacement as a global crisis; and (c) to focus on the specific situation in a given country and what needs to be done by the Government concerned and the international community to address the problems involved.

9. The three missions undertaken following the extension of the mandate delved into these issues at greater depth than was the case at the initial phase. They indeed demonstrated the importance of compiling country profiles through on-site visits. Furthermore, in the case of the missions to Colombia and Burundi, the representative took advantage of this opportunity to exchange views with regional constituencies and gather first-hand information on the operation of intergovernmental agencies in Central and Latin America and in the Horn of Africa (see para. 22 below).

10. With respect to the future, the representative has been invited by the Government of Peru to undertake a mission in that country and plans to do so in the next phase of his mandate. He has also initiated preliminary consultations with the Governments of Tajikistan, Rwanda and Mozambique.

11. The Commission on Human Rights, in its resolution 1994/68, called upon Governments to give due consideration, in dialogue with the representative, to the recommendations and suggestions made to them by the representative; indeed, one of the main concerns of the representative has been to establish and maintain a procedure whereby issues discussed and agreed upon in the dialogues with Governments could be followed up. In this light, the representative sent letters to the Governments of Sri Lanka and the Sudan dated 29 August 1994 and 28 September 1994 respectively, requesting information on possible developments with regard to a number of specific proposals on the nature and scope of assistance, the security situation, the issue of resettlement, the search for durable solutions, and the role of United Nations agencies, NGOs and the donor community.

12. In line with other special procedures of the non-treaty mechanisms of the Commission on Human Rights and in the context of his recent mission to Colombia, the representative addressed an urgent appeal to the Colombian Government on 22 August 1994 for the protection of a number of families who were being threatened by imminent displacement in the department of Santander. The representative hopes to receive a reply from the Government.

13. The representative receives information on the human rights situation of internally displaced persons in a large number of countries from a variety of sources. Some of this information is used in the preparation of country profiles and on-site visits. Most of it, however, cannot be processed or followed up, owing to the very limited scope of the mandate. While more concrete ideas will be included in the representative's next report to the Commission on Human Rights, it should be noted that there is a need for an effective mechanism to have a regular dialogue with the Governments concerned in order to study and analyse the problems in the respective countries and attempt jointly to find solutions (see also E/CN.4/1994/44/Add.1, para. 145). The representative currently has the possibility to undertake only very few substantive missions a year, with no provision and no resources for follow-up visits. This curtails greatly his ability to take effective measures to alert the international community in seeking remedies to specific situations or to compelling cases of internal displacement.

B. Legal standards

14. With regard to the legal standards available for the protection of internally displaced persons, it should be recalled that, as the representative has pointed out in his previous reports, controversy still prevails among lawyers as to the scope and applicability of existing legal doctrine: there are those who believe that the existing standards provide adequate protection and that the main challenge is one of implementation, while there are others who maintain that legal reform is necessary to ensure complete and adequate coverage. Nevertheless, it has also been noted that, without prejudice to the issue of whether or not new normative standards are needed, it is generally recognized that a consolidation and evaluation of existing norms would be of value and would provide the basis for filling whatever gaps may exist. To that end, the Commission on Human Rights and the General Assembly encouraged the representative to proceed with a compilation/commentary of the existing norms.

15. Owing to the limited resources at the disposal of the representative, and considering that at least a preliminary compilation had to be done before the expiration of the second phase of the mandate in March 1995, the representative enlisted the contribution of three highly accredited institutions with expertise in this area of the law (the Ludwig Boltzmann Institute for Human Rights, the American Society of International Law and the International Human Rights Law Group), which compiled the relevant provisions, found in international human rights, humanitarian and refugee law, as well as in public international law generally. In a round table of experts hosted by the Austrian Government on 1 and 2 October 1994 in Vienna experts from the academic, intergovernmental and non-governmental community evaluated and consolidated a preliminary draft of these norms in a working document that will be issued as an addendum to the next

report to the Commission on Human Rights. When finalized, it is to be expected that this document will provide a reference guide and a tool to be used by Governments, intergovernmental and non-governmental bodies and others working in the area of human rights protection of internally displaced persons.

C. Institutional mechanisms

16. The third task of the mandate requires reviewing and evaluating the existing international institutions, their mandates and operations, and the extent to which they provide coverage for the needs of internally displaced persons. To that end, the representative has maintained close contact with a large number of intergovernmental and non-governmental organizations whose areas of expertise or operational activities are pertinent to internally displaced persons.

17. Since the presentation of his last report to the General Assembly in November 1993 and until the end of September 1994, the representative travelled four times to Geneva to finalize and present his report to the Commission on Human Rights, to hold consultations with sponsors and other Governments and to meet with the heads of the different United Nations and other intergovernmental agencies. The representative also travelled to New York for additional consultations.

18. In complying with the relevant resolutions of the General Assembly and the Commission on Human Rights, the representative has had meetings with the Secretary-General, the High Commissioner for Human Rights, the High Commissioner for Refugees, the Under-Secretary-General for Humanitarian Affairs, the Administrator of the United Nations Development Programme (UNDP) and the Chairman of ICRC. He has held meetings with senior officials and directors of regional bureaux within these organizations to exchange information on developments in the field and views on possible cooperation. He has also established contact with the Rapporteurs on Population Transfers and on Human Rights and the Environment of the Subcommission on Prevention of Discrimination and Protection of Minorities.

19. The representative participated in a large number of conferences and other meetings in which the issue of internal displacement was discussed. In chronological order these included: a meeting in Washington in November 1993 organized by the Refugee Policy Group on the evolution of the mandate on internally displaced persons, which the representative co-chaired; an informal round table in Geneva in February 1994 on international protection of internally displaced persons, organized and chaired by the Government of Norway; a meeting convened by a number of environmental NGOs and the Rapporteur on Human Rights and the Environment; a meeting of government and NGO representatives and experts convened by the representative at the request of the High Commissioner for Human Rights with regard to possible action in Rwanda, a conference organized jointly by UNHCR and NGOs in Oslo in June 1994, known as PARINAC Global Conference; a workshop in Oslo in June 1994 for selected NGOs to meet with him, which was organized by the Norwegian Refugee Council; the Organization of African Unity (OAU)/UNHCR Symposium on African Refugee and Displacement Issues in Addis Ababa in September 1994, in which the representative presented a paper entitled

"International protection for the internally displaced"; and a Seminar on Minimum Humanitarian Standards organized by the Norwegian Institute of Human Rights in Oslo in September 1994.

20. The representative also participated in the 24th meeting of the Subcommittee on the Whole of International Protection of the High Commissioner for Refugees in May 1994 during the Subcommittee's deliberations on the protection aspects of UNHCR activities on behalf of internally displaced persons.

21. The representative has participated personally, or through his delegate in Geneva, in the work of the Department of Humanitarian Affairs-led Task Force on Internally Displaced Persons. The Task Force was convened on 15 April 1994, 2 June 1994 and 15 September 1994 and it is expected that it will hold a further two meetings before the end of the year. One of its immediate future activities will be to draft a series of recommendations with regard to inter-agency cooperation to address the humanitarian assistance needs of internally displaced persons. These recommendations and suggestions will be submitted to the Inter-Agency Standing Committee in its meeting in December 1994. The representative will be sharing his findings with the Task Force.

22. During his missions, the representative held extensive consultations with the resident United Nations agencies. The representative also established contact with the Permanent Consultation for Displacement in the Americas (CPDIA), an independent body operating under the auspices of the Inter-American Institute of Human Rights, in which many intergovernmental and non-governmental entities participate, and with the Development Programme for Displaced Persons, Refugees and Returnees in Central America (PRODERE), a pilot programme in Central America. During a brief stop-over in Nairobi he met with the United Nations agencies that participate in relief and development work not only in Kenya but also in the Horn of Africa and Central Africa. He also had debriefing meetings with the UNDP Programme for Internally Displaced Persons in Kenya and with the African Women in Crisis programme of the United Nations Development Fund for Women (UNIFEM). The representative believes that regional arrangements, such as CPDIA, could serve as useful models for other similar networks and intends to strengthen his contacts with them.

23. It will be recalled that the representative has been requested by the Commission on Human Rights, the General Assembly and the Secretary-General himself to present his suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing adequate and effective protection to internally displaced persons. To that effect the representative has solicited the assistance and contributions of two institutions, the Norwegian Refugee Council and the Refugee Policy Group, which will provide him with an analysis of the institutional structures existing at the international, regional and local levels that can address the needs of internally displaced persons. The preliminary findings of these surveys will be made available to the Commission on Human Rights at its next session.

III. FUTURE PLANS

24. As the representative approaches the second phase of his mandate, the parameters of the mandate have become reasonably well established. What is therefore required will be the continuation of the activities as stipulated in the resolutions of the Commission on Human Rights and the General Assembly which comprise continuing to study the various dimensions of the crisis of internal displacement and the ways of meeting the needs of internally displaced persons, including dialogue with Governments and close consultations and cooperation with all those organizations and agencies, governmental and non-governmental, whose activities relate to the problems of internal displacement. In this connection, the ongoing compilation and analysis of existing international standards and the review of pertinent mandates, institutional arrangements and field activities will be of particular significance in designing appropriate strategies of protection and assistance to internally displaced persons.

25. The close consultations and exchange of views which the representative has held with pertinent circles in the international community have convinced him that the available options for improving protection of and assistance to internally displaced persons are clearly limited. It is obvious that the international community does not appear prepared to establish a new organization that would be specifically mandated to protect and assist internally displaced persons. It is also quite unlikely that an existing organization will be given full responsibility for them. The remaining option would seem to be a collaborative arrangement among various organizations and mandates.

26. The challenge then will be to enhance the capacity of the mandate to be optimally effective in pursuing the objectives that are now clearly defined in the context of the envisaged collaborative arrangements. At present, however, there is a considerable gap between the objectives of the mandate and the human and material resources at the disposal of the representative. As the representative has repeatedly pointed out, unless this gap is closed, the mandate can become an excuse for inaction by the international community, and that would be a tragic irony.

IV. CONCLUSION

27. The activities described in the present report highlight the value of the mandate of the representative of the Secretary-General on internally displaced persons as a mechanism for advancing the cause of such persons. More than anything else, his mandate has become a catalyst and a leverage for more effective measures and, in this respect, has a crucial role to play in the effort to meet the needs of internally displaced persons. Given the fact that the international community is not inclined to establish a new institution for internally displaced persons, nor is it likely that one organization will be mandated to assume full responsibility for them, the most that can be achieved is for existing relevant mechanisms and mandates to focus their attention on internally displaced persons and to coordinate their efforts to maximize their effectiveness. It is in this context that the role of the representative should be viewed. It is also in this context that it becomes urgently imperative to enhance his capacity to meet the challenge of the mandate to close the gap between its objectives and the human and material resources at his disposal.